

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

JUNIPER NETWORKS, INC., )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Civil No. 1:09cv287  
                                )  
GRAPHON CORPORATION et al., )  
                                )  
Defendants.                )  
                                )

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RULE 16(B) SCHEDULING ORDER

1. Upon consideration of the representations made by the parties at the Rule 16(b) Conference, the court makes the following rulings:
  - a. The Amended Joint Discovery plan filed by the parties is approved and shall control discovery to the extent of its application unless modified by the court.
  - b. Rule 26(a) disclosures, depositions, interrogatories, requests for documents and admissions, and answers thereto shall not be filed except on order of the court, or for use in a motion or at trial.
  - c. Paper copies of all nondispositive motions and memoranda in support and opposition shall be delivered to the magistrate judge's chambers no later than the next business day after electronic filing.
2. *Sealing of Documents.* Filings under seal are disfavored and discouraged. See Virginia Department of State Police v. The Washington Post, et al., 386 F.3d 567, 575-76 (4th Cir. 2004). Any motion to file documents under seal, including a motion for entry of a protective order containing provisions for filing documents under seal, must comply with Local Civil Rule

5 and must be docketed for a hearing or made in open court. The motion must state sufficient facts supporting the action sought, and each proposed order must include specific findings.

3. All motions, except for summary judgment, shall be noticed for hearing on the earliest possible Friday before the final pretrial conference. Ten working days' notice is required for motions to dismiss, for summary judgment, for patent claim construction, and for judgment on the pleadings. Non-dispositive motions must be filed and delivered by the Friday before the Friday for which noticed, with responses due not later than the Wednesday before the hearing.

4. All Fed. R. Civ. P. 12 issues shall be raised in one pleading unless leave of court is first obtained. All summary judgment issues shall be presented in the same pleading unless leave of court is first obtained.

5. All motions must adhere to the page limits set in Local Rule 7(F)(3). No pleading shall be in type less than ten (10) pitch or twelve (12) point.

6. In non-jury cases, counsel shall file with the clerk at the beginning of trial written proposed findings of fact and conclusions of law. In jury cases, instructions shall be filed five (5) days prior to trial in accordance with Local Rule 51. Violation of this rule will constitute a waiver of objections to any instructions given.

It is so ORDERED.

/s/

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Thomas Rawles Jones, Jr.  
United States Magistrate Judge

Date: June 15, 2009  
Alexandria, Virginia